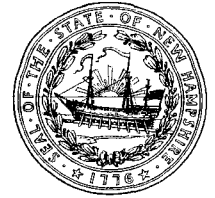




The State of New Hampshire  
***Department of Environmental Services***



Michael P. Nolin  
Commissioner

February 23, 2006

Mr. Ed Noonan  
95 Tenwood Road  
Methuen, Massachusetts 01844

**CERTIFIED MAIL (7099 3400 0018 1290 6283)  
RETURN RECEIPT REQUESTED  
LETTER OF DEFICIENCY  
No. ARD 06-08  
(Asb.)**

**RE: Improper Asbestos Removal at 56 Pond St., Newton, NH**

Dear Mr. Noonan:

In August and December of 2005, the New Hampshire Department of Environmental Services ("DES") received complaints about improper asbestos removal at 56 Pond Street in Newton, New Hampshire ("the Property"). An employee of the DES Waste Management Division inspected the Property on August 22, 2005, and spoke with Mr. Michael DiBartolomeo, the Newton Building Officer. Mr. DiBartolomeo stated that no building/demolition permit had been issued for the Property. The DES inspector observed that siding had been removed from a barn and pieces were scattered on the Property, and that the siding appeared to be the same type as that on a nearby house, which is also on the Property. Tax assessment information indicates that Ms. Kathleen Scott is the owner of the Property and that the house siding is asbestos shingles.

On August 23, 2005, the DES inspector advised Ms. Scott by telephone that the removed siding appeared to be asbestos-containing material ("ACM") and that it was not being handled properly. She indicated that DES should contact you, the contractor she had hired to remove the rear portion of the barn on the Property. On the same date, the DES inspector contacted you, and you indicated that your son had misunderstood your directions and had started removing the siding instead of the roofing shingles. The DES inspector told you that an asbestos abatement contractor was needed to clean up the site. You said you had contacted Air Quality Experts of Salem, NH, asking for a quote for removal of the asbestos siding, and that you understood that asbestos must be properly handled.

In December of 2005, another complaint concerning the Property was called into DES. According to the complainant, asbestos siding is scattered around the yard. On December 19, 2005, an employee of the DES Air Resources Division inspected the property and found broken siding shingles and transite wallboard. The DES inspector called Air Quality Experts, and the person with whom he spoke could not recall providing any quotes for abatement of the Property. The DES inspector called you, and you said you would be hiring a licensed abatement contractor to do the removal, but that he would have to wait until spring because of the snow cover.

As a result of the inspections and information gathered, this Letter of Deficiency ("LOD") is being sent to identify the following deficiencies:

1. Env-A 1803.03 requires each property owner or operator to provide written notification to the DES Air Resources Division and the city/town health officer, as applicable to the worksite location, in accordance with Env-A 1803.06 at least 10 working days before any demolition activity begins. This notification is required regardless of the amount of ACM, if any, which is contained in the facility. No such notification was made to DES for the demolition done to date at the Property.
2. Env-A 1804.01 requires that before undertaking any demolition or renovation each property owner or operator shall provide for an inspection by a trained asbestos inspector of the affected portion(s) of the facility for the presence of ACM. No such inspection was performed before the start of the demolition/renovation project at the Property.
3. Env-A 1805, *Work Practice Requirements*, sets forth the procedures for the proper removing and disposing of ACM, none of which appear to have been followed at the Property.

DES believes that these deficiencies can be resolved by taking the following actions:

4. Hire a qualified inspector competent in the identification of ACM to test for the presence of ACM in the barn and debris on the Property. Results of the testing must be submitted to DES prior to the clean up and disposal of the debris.
5. Hire an asbestos abatement contractor licensed in New Hampshire to remove the remaining ACM prior to further renovation or demolition of the barn.
6. By **May 15, 2006**, complete the removal and disposal of all ACM from the barn and ACM debris from the yard on the Property. Send a copy of the waste shipment record(s) to DES. All ACM must be disposed of at a facility that is authorized to receive such waste.

In the event compliance is not achieved within the time period indicated, DES may initiate formal action against you, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

Please be advised that DES will continue to monitor the clean up and any further demolition activities at the Property. DES believes that you can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these deficiencies in error or if you have any questions or require additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373 or Ms. Barbara Hoffman, Enforcement Section Supervisor, Compliance Bureau, Air Resources Division, at (603) 271-7874. Please send all requested information to Ms. Hoffman at P.O. Box 95, Concord, NH 03302-0095.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/blh

Enclosure: List of asbestos abatement contractors  
Env-A 1800

cc: G. Hamel, DES Legal Unit Administrator  
W. Toland, EPA Region 1  
R. Berry, DES Waste Management Division  
M. DiBartolomeo, Newton Building Inspector  
Newton Board of Selectmen